

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NENA BROCK, ANGELA
COUVILLION, CHARLES HAMILTON,
and GERALDINE PALMER,

Plaintiffs,

 \mathbf{v}_i

ADELAIDA G. CRUZ and RENATO A. CRUZ,

Defendants.

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CIVIL ACTION NO. 4:18-CV-2732

JURY DEMANDED

PLAINTIFFS' ORIGINAL COMPLAINT

INTRODUCTION

1. Plaintiffs Nena Brock (“Brock”), Angela Couvillion (“Couvillion”), Charles Hamilton (“Hamilton”), and Geraldine Palmer (“Palmer”) (collectively herein referred to as “Plaintiffs”), former employees of The Right Solutions L.L.P., brings this action for overtime compensation and other relief under the Fair Labor Standards Act (the “Act”), as amended, through 29 U.S.C. §216(b).

PARTIES

2. Plaintiff Nena Brock is an individual residing in Harris County, Texas.
3. Plaintiff Angela Couvillion is an individual residing in Harris County, Texas.
4. Plaintiff Charles Hamilton is an individual residing in Harris County, Texas.
5. Plaintiff Geraldine Palmer is an individual residing in Harris County, Texas.

6. Defendant Adelaida G. Cruz (“AG Cruz”) is an individual resident of Harris County. Adelaida Cruz may be served with summons at the following address: 10070 Larston Street, Houston, Texas 77053.

7. Defendant Renato A. Cruz (“RA Cruz”) is an individual residing in Harris County, Texas. Renato Cruz may be served with summons at the following address: 10070 Larston Street, Houston, Texas 77053.

JURISDICTION AND VENUE

8. Jurisdiction is conferred on this court by 28 U.S.C. § 1337 and 29 U.S.C. § 216(b). At all times pertinent to this Complaint, Defendant RA Cruz and Defendant AG Cruz were in the position of “employers” as to Plaintiffs for the purposes of the Act, due to their degree of control over the company affairs as well as Plaintiff’s employment and method of compensation. Venue is proper in this district under 28 U.S.C. § 1391, as all or a substantial portion of events giving rise to the claim occurred within the Southern District of Texas and The Right Solution L.L.P. was headquartered in the district.

STATEMENT OF FACTS

9. Plaintiffs worked for Defendant AG Cruz and Defendant RA Cruz as nurses who were paid on an hourly basis.

10. Although Plaintiffs were paid on an independent contractor basis, they were actually legally employees of the company. At all times, Plaintiffs were not exempt from the overtime provisions of the Fair Labor Standards Act.

11. During one or more workweeks of Plaintiffs’ employment, Plaintiffs worked in excess of forty (40) hours.

12. During one or more workweeks of Plaintiffs' employment in which they worked overtime hours, Defendant RA Cruz and Defendant AG Cruz failed to pay Plaintiffs one-and-one-half times Plaintiffs' regular rate of pay for each overtime hour worked even though Plaintiffs were legally entitled to such overtime pay.

COUNT ONE – VIOLATION OF FAIR LABOR STANDARDS ACT

13. The acts of Defendants described in the preceding paragraphs violate the Fair Labor Standards Act of 1938, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek.

14. The violations committed by Defendants were committed willfully within the meaning of the Fair Labor Standards Act.

DAMAGES

15. As a result of Defendants' unlawful conduct, Plaintiffs are entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

16. Section 216(b) of the Fair Labor Standards Act provides that any employer who violates the statute shall be liable for unpaid overtime pay and an additional equal amount as liquidated damages. Therefore, Plaintiffs seek an award of liquidated damages in an amount equal to the amount of unpaid overtime pay.

17. Plaintiffs further seek an extension of the statute of limitations to three years as a result of Defendants' willful failure to pay overtime in violation of 29 U.S.C. § 207.

18. Plaintiffs also seek compensation of the out-of-pocket expenses and costs of court they have incurred and will incur in this action. Plaintiffs are also entitled to reasonable and necessary attorney fees under 29 U.S.C. §216(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court enter an order:

1. Issuing summons as to Defendant RA Cruz and Defendant AG Cruz so that such defendants may be served with summons and be ordered to answer the claims within this Original Complaint;
2. Declaring that Defendants violated the Fair Labor Standards Act;
3. Declaring that Defendants' violations of the FLSA were willful;
4. Granting judgment to Plaintiffs for their claims of unpaid wages as secured by the Fair Labor Standards Act, as well as liquidated damages;
5. Awarding Plaintiffs their costs, including expert witness fees, and reasonable attorneys' fees;
6. Awarding Plaintiffs pre- and post-judgment interest at the highest rates allowed; and
7. Granting such further relief as the Court finds just.

Respectfully submitted,

/s/ Chukwudi Egbuonu*

Chukwudi Egbuonu

State Bar No. 24081838

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